



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,306	03/23/2001	Karl Rogers	2585-009	8472

7590 12/15/2005
Roberts Abokhair & Mardula, LLC
Suite 1000
11800 Sunrise Valley Drive
Reston, VA 20191-5302

EXAMINER

SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,306

Applicant(s)

ROGERS ET AL.

Examiner

Michael R. Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19-35 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 7-11, filed September 28, 2005, with respect to the rejection(s) of claim(s) 1, 3-9, 19, and 27 under 35 USC §102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of Bendinelli et al (USPN 6,061,719), cited by Examiner, and Cameron (WO 99/63759), previously cited by Examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 and 19-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron (WO 99/63759), previously cited by Examiner, in view of Bendinelli et al (USPN 6,061,719), cited by Examiner.

Regarding claim 1, the claimed method for multi-casting video content to a user computer is met as follows:

- The claimed step of distributing a video content program stream from a content center to a regional data center via an open network is met by page 6, lines 2-10, wherein the Cameron reference discloses a satellite

located at the head-end to receive content video signals [Fig. 2] from a content provider over satellite 12 (satellite transmission being that of an open network).

- The claimed step of distributing the video content program stream from the regional data center to a user computer via a distribution network according to a multi-cast protocol is met by page 6, lines 5-20, wherein the Cameron reference discloses an IP multicast broadband network for distributing the encoded video signals.
- The claimed step of transmitting non-video data related to the video content program to the user computer is not specifically met by the Cameron reference. The Bendinelli reference, however, does disclose that one or more related URLs are transmitted with a television signal from the broadcast transmitter [col. 3, lines 16-29]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to transmit non-video data (such as the URL) related to the video signal to the user, in order to implement presentation of web content in conjunction with related television programming [col. 3, lines 13-14] for the purpose of easy presentation of content related to the video signal.
- The claimed step of displaying the non-video data on the user computer contemporaneously with the video content program stream is not specifically met by the Cameron reference. The Bendinelli reference teaches that the URLs are supplied to the television 14, such that they are

displayed to a viewer along with the programming to which they correspond [col. 3, lines 48-50]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to display non-video data (such as the URL) related to the video signal contemporaneously with the video signal, in order to implement presentation of web content in conjunction with related television programming [col. 3, lines 13-14] for the purpose of easy presentation of content related to the video signal.

Regarding claim 2, the claimed method for multicasting video content is met by Cameron et al and Bendinelli et al in claim 1. Neither Cameron et al nor Bendinelli et al specifically teach that the multi-cast protocol used is the Internet Group Management Protocol (IGMP) and class D addressing with private multi-cast addresses. However, the examiner takes OFFICIAL NOTICE as to the fact that the IGMP protocol with class D addressing is well known in the art. The IGMP protocol is the standard protocol for multicast sessions and allows membership in particular multicast groups on a single network. Private class D addressing simply allows for IP addresses in the range of 224.0.0.0 – 239.255.255.255, which is also commonly known in the art. The examiner therefore submits that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the IGMP protocol with class D addressing in order to comply with regularly accepted standards for establishing and maintaining a multicast distribution network.

Regarding claim 3, the claimed open network being selected from the group consisting of a satellite network, a terrestrial wireless network, a cable network, and a

fiber optic network is met by the discussion, on page 6, line 32 – page 7, line 2 of the use of satellite and off-air broadcasts to transmit the television broadcast signals to the head-end.

Regarding claim 4, the claimed distribution network being selected from the group consisting of a satellite network, a terrestrial wireless network, a cable network, and a fiber optic network is met by the discussion, on page 6, lines 8-20, wherein the Cameron reference discloses the use of ADSL, HFC, FTTC, or wireless service as a distribution multicast network.

Regarding claim 5, the claimed method of multi-casting video content of claim 1, wherein the distribution network is interactive and wherein the non-video data comprises an object button responsive to a means of user selection, and wherein the object button comprises a link associated with an object selected from the group consisting of a program-related video game, a program-related advertisement, a program-related service, and a program-related merchandise is not specifically met by the Cameron reference. The Bendinelli reference, however, does disclose that the URL can be displayed to the user and that the user can select the URL for continued display [col. 4, lines 45-58]. Furthermore, the Bendinelli reference teaches that the URL is related to the web content associated with advertisements for products, news programming, or recording companies [col. 3, lines 21-29]. When the user selects the URL for continued display, the web content corresponding to the URL is retrieved according to the URL link to the web site identified by the URL [col. 3, lines 57-61]. It would have been clearly obvious to one of ordinary skill in the art at the time of the

invention to transmit non-video data (such as the URL) related to the video signal to the user, in order to implement presentation of web content in conjunction with related television programming [col. 3, lines 13-14] for the purpose of easy presentation of content related to the video signal.

Regarding claim 6, the claimed method of multi-casting video content of claim 1, wherein the non-video data related to the video content program stream is selected from the group consisting of a program-related video game, a program-related advertisement, a link to program-related information, a program-related service, and program-related merchandise is, again, not specifically met by the Cameron reference. The Bendinelli reference teaches that the URL is related to the web content associated with advertisements for products, news programming, or recording companies [col. 3, lines 21-29]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to transmit non-video data (such as the URL) related to the video signal to the user, in order to implement presentation of web content in conjunction with related television programming [col. 3, lines 13-14] for the purpose of easy presentation of content related to the video signal.

Regarding claim 7, the claimed "method for multi-casting video content of claim 5, wherein the method further comprises: generating, at the user computer, user data corresponding to selection of the object button; receiving the user data at the regional data center via the distribution network; processing the user data; and sending a response to the user computer via the distribution network" is met by the above discussion of the selection of the related web page using the URLs selected for

continues display (see claim 5). The user selects the URL then the network sends the web page to the user device for display with the currently viewed program.

Regarding claim 8, the claimed "wherein the response to the user comprises execution of the link to the object" is met by the same discussion as mentioned before when rejecting claim 5, in which the link to the web site is executed upon user selection of the URL.

Regarding claim 9, the claimed method for multi-casting video content of claim 7, wherein the object associated with program-related services and program-related merchandise comprises means for the user to purchase program-related services and program-related merchandise is again, not specifically met by the Cameron reference. The Bendinelli reference teaches that the URL is related to the web content associated with advertisements for products, news programming, or recording companies [col. 3, lines 21-29]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to transmit non-video data (such as the URL) related to the video signal to the user, in order to implement presentation of web content in conjunction with related television programming [col. 3, lines 13-14] for the purpose of easy presentation of content related to the video signal.

Regarding claim 19, the claimed system for multi-casting video program content and non-video data over a distribution network is met as follows:

- The claimed video program content stream is met by the television broadcast signals from various sources [page 6, line 33].

- The claimed non-video data contextually related to the video program content stream is not specifically met by the Cameron reference. The Bendinelli reference, however, does disclose that one or more related URLs are transmitted with a television signal from the broadcast transmitter [col. 3, lines 16-29]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to transmit non-video data (such as the URL) related to the video signal to the user, in order to implement presentation of web content in conjunction with related television programming [col. 3, lines 13-14] for the purpose of easy presentation of content related to the video signal.
- The claimed multicasting computer is met by the head-end, which serves to receive video content from the video sources 12, convert it to multicast IP format and distribute it over the distribution network to the end users [page 6, line 32 – page 7, line 5]. The components (processor, storage means, and memory) are all met inherently by the teaching of the computer. Every generic computer has at least these three components, therefore, the teaching of the head-end inherently meets the claimed components.
- The claimed steps accomplished by the multicasting computer to receive the video program content stream, receive the non-video data, distribute the video content program via a distribution network according to a multi-cast protocol, and transmit the non-video data contemporaneously with

the video program content over the distribution network is met partially by the Cameron reference, in which video data is received at the head-end from video source 12 [page 6, lines 2-10], then distributing the video data in multicast IP format over the distribution network. The Cameron reference falls short in that it does not receive non-video data and therefore cannot transmit the non-video data contemporaneously with the video program content over the distribution network. The Bendinelli reference, however, teaches that one or more related URLs are transmitted with a television signal from the broadcast transmitter [col. 3, lines 16-29]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to transmit non-video data (such as the URL) related to the video signal to the user, in order to implement presentation of web content in conjunction with related television programming [col. 3, lines 13-14] for the purpose of easy presentation of content related to the video signal.

- The claimed user computer adapted to display the non-video data contemporaneously with a display of the video program content stream is not specifically met by the Cameron reference. The Bendinelli reference teaches that the URLs are supplied to the television 14, such that they are displayed to a viewer along with the programming to which they correspond [col. 3, lines 48-50]. It would have been clearly obvious to one of ordinary skill in the art at the time of the invention to display non-video

data (such as the URL) related to the video signal contemporaneously with the video signal, in order to implement presentation of web content in conjunction with related television programming [col. 3, lines 13-14] for the purpose of easy presentation of content related to the video signal.

Regarding claim 20, the claimed system for multi-casting video content program and data content over a distribution network is met by Cameron et al and Bendinelli et al in claim 19. Neither Cameron et al nor Bendinelli et al specifically teach that the multi-cast protocol used is the Internet Group Management Protocol (IGMP) and class D addressing with private multi-cast addresses. However, the examiner takes OFFICIAL NOTICE as to the fact that the IGMP protocol with class D addressing is well known in the art. The IGMP protocol is the standard protocol for multicast sessions and allows membership in particular multicast groups on a single network. Private class D addressing simply allows for IP addresses in the range of 244.0.0.0 – 239.255.255.255, which is also commonly known in the art. The examiner therefore submits that it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the IGMP protocol with class D addressing in order to comply with regularly accepted standards for establishing and maintaining a multicast distribution network.

Regarding claim 21, the claimed distribution network being selected from the group consisting of a satellite network, a terrestrial wireless network, a cable network, and a fiber optic network is met by the discussion, on page 6, lines 8-20, wherein the Cameron reference discloses the use of ADSL, HFC, FTTC, or wireless service as a distribution multicast network.

Regarding claims 22-26, see the above rejections to claims 5-9, respectively.

Regarding claims 27-35, see the above rejection to claims 1-9, respectively.

Claim Objections

4. Claim 19 is objected to because of the following informalities: Claim 19 contains the limitation "the video content program", which does not have proper antecedent basis in the claim. It is suggested that the applicant amend the claim to read "the video content program stream". Appropriate correction is required.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: (571) 273-8300

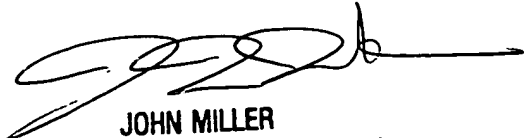
Hand-delivered responses should be brought to:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
December 10, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600